

Society for Applied Philosophy Short-Term Postdoctoral Fellowship Report

I would like to begin by thanking the Society for Applied Philosophy very sincerely for granting me the Short Term Postdoctoral Fellowship. Finishing my PhD during covid, when the job market was especially contracted, was very difficult, and without this Fellowship I would not have had the time to work on this project or write job applications. During this time I was able to successfully apply for a one year teaching position at the University of Cambridge which I have just begun, so I am very grateful to the Society for this scheme.

My project was to co-author a paper with Robert Morgan at the University of Leeds about a deep but unnoticed puzzle at the intersection of ethics, philosophy of law, and the philosophy of action. The puzzle is about how it is possible to touch people *through* items like clothing, such as when someone pats someone on the back through their coat and shirt. The reason this is a puzzle is that contact strictly speaking requires the contiguity of two surfaces, so in cases of touching through there is strictly no contact between the persons. Moreover, contact is not transitive: I am not touching you just because we are both touching a thousand other things which are touching each other. So how can there be cases where I touch you through your clothing? How can there be cases of *mediated contact* if contact is not transitive?

This puzzle is very abstract and general, but the reason to be interested in it is primarily ethical and legal. The fact we can touch each other through things is a fundamental aspect of our moral and legal thought, in particular with respect to common and sexual assault. For instance, the Sexual Offences Act 2003 identifies sexual assaults as cases where a person touches another sexually, non-consensually, and intentionally *either directly or through anything*. This is obviously required for covering the many cases of assaults that occur through clothing. But without a definition of touching through, we have no justification to fall back on if someone challenges the claim that they really did touch someone. “I didn’t touch him, just his jacket!” is obviously facetious, but without an account of why, the law is left open to manipulation.

Our paper’s aim is to: (1) identify and articulate the puzzle; (2) show that many obvious ways to solve it fail; (3) to defend a number of desiderata on what shape a plausible view might take; (4) to reflect on the wider implications the puzzle has for political philosophy and sexual ethics. We consider and reject analyses in terms of the agent’s causing changes to the patient’s body, counterfactual analyses about what would have happened were there no mediating items, tactal analyses on which tactal experience on the part of either the agent or the patient matters, intentional analyses in terms of the intentions of the agent, and pluralist analyses on which there is no unity to the cases at all. Finally, we examine the implications that mediated touch has for theories of sexual desire and activity, and for the centrality that many theorists give to the body in discussions of bodily autonomy and integrity.

The Fellowship has allowed me and my co-author to carry out the research for this paper, write and edit it, as well as send it to friends and colleagues for critical feedback. Very soon we will send it to a high impact journal specialising in ethics or social philosophy. Once again I want to thank the Society for funding this project: I am very grateful for having been given the financial space to work on such an interesting project with a close colleague, and work towards continuing my career in philosophy.